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**TO:**

Name: Mail Stop AMENDMENT  
Group Art Unit 3733/Examiner James L. Swiger III

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 10/809,149  
Gary K. Michelson

Filed: March 25, 2004

METHOD FOR USING ARCUATE DYNAMIC  
LORDOTIC GUARD WITH MOVABLE  
EXTENSIONS FOR CREATING AN  
IMPLANTATION SPACE POSTERIORLY IN  
THE LUMBAR SPINE

Attorney Docket No. 101.0093-02000

Customer No. 22882

Confirmation No.: 7390

**FROM:**

Name: Thomas H. Martin, Esq.

Phone No.: 330-877-2277

No. of Pages (including this): 4

Date: September 18, 2007

Confirmation Copy to Follow: NO

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**Message:**

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Transmittal Form (in duplicate; total amount of \$180.00 to cover the IDS fee is to be charged to Deposit Account No. 50-3726) and Information Disclosure Statement Under 37 C.F.R. § 1.97(c) with Form PTO/SB/08 are being facsimile transmitted to the U.S. Patent and Trademark Office on September 18, 2007.

  
Sandra L. Blackmon

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PATENT  
Attorney Docket No. 101.0093-02000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Confirmation No.: 7390  
Gary K. Michelson )  
Serial No.: 10/809,149 )  
Filed: March 25, 2004 )  
For: METHOD FOR USING ARCUATE )  
DYNAMIC LORDOTIC GUARD WITH )  
MOVABLE EXTENSIONS FOR )  
CREATING AN IMPLANTATION )  
SPACE POSTERIORLY IN THE )  
LUMBAR SPINE )

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Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), the fee of \$180.00 as specified by Section 1.17(p) is to be charged to Deposit Account No. 50-3726.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant

From: MARTIN & FERRARO, LLP (OH)

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reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-3726.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 18, 2007

By:

  
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